

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
CHARLES EDWARD GEARHEART, JR.,  
  
Defendant.

Case No. 6:23-mj-00006-CDB

ORDER GRANTING GOVERNMENT’S MOTION  
TO DISMISS COUNT TWO OF THE SECOND  
SUPERSEDING INFORMATION

(DOC. NO. 67)

ORDER FINDING DEFENDANT’S MOTION TO  
DISMISS COUNT TWO MOOT

(DOC. NO. 63)

Pending before the Court is the government’s motion to dismiss Count Two of the Second Superseding Information in Case No. 6:23-mj-00006-CDB against CHARLES EDWARD GEARHEART, JR., with prejudice, in the interest of justice, pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure filed (Doc. No. 67). Also, pending is Defendant’s discovery motion seeking dismissal of Count Two as a sanction filed on March 5, 2025. (Doc. No. 63). A “court’s discretion to deny leave [under Rule 48] is limited” and is only permitted where “the motion was clearly contrary to manifest public interest.” *United States v Gonzalez*, 58 F.3d 459, 461-462 (9th Cir. 1995); *United States v. Garcia-Valenzuela*, 232 F.3d 1003, 1008 (9th Cir. 2000) (finding the district court had abused their discretion in denying a Rule 48 because there was “no evidence ... that the government’s motion was contrary to public interest.”).

1 Accordingly, it is hereby ORDERED:

2 1. The Government's Motion to Dismiss (Doc. No. 67) is GRANTED and COUNT TWO of the  
3 Second Superseding Information in the above case is DISMISSED, with prejudice.

4 2. Defendant's Motion to Dismiss (Doc. No. 63) is MOOT.

5  
6 Dated: March 10, 2025

  
HELENA M. BARCH-KUCHTA  
UNITED STATES MAGISTRATE JUDGE